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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Karyl Clarke,

7 Plaintiff,

8 v.

9 City of North Las Vegas, et al.,

10 Defendants.

Case No. 2:24-cv-01046-GMN-DJA

11 **Order**

12 Pro se Plaintiff Karyl Clarke filed an application to proceed *in forma pauperis*. (ECF No.
13 1). However, Plaintiff's application is missing certain information. The Court thus denies
14 Plaintiff's application without prejudice. Also before the Court is Plaintiff's motion for leave to
15 file electronically. (ECF No. 4). The Court grants Plaintiff's motion to file electronically.

16 **I. Plaintiff's application to proceed in forma pauperis.**

17 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of
18 fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the
19 plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized
20 that "there is no formula set forth by statute, regulation, or case law to determine when someone
21 is poor enough to earn [*in forma pauperis*] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235
22 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but
23 he must demonstrate that because of his poverty he cannot pay those costs and still provide
24 himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339
(1948).

25 The applicant's affidavit must state the facts regarding the individual's poverty "with
26 some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940
27 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her
28 poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial

1 status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271
2 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by
3 denying the plaintiff's request to proceed *in forma pauperis* because he "failed to verify his
4 poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's
5 personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016
6 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
7 grounds for denying an *in forma pauperis* application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441,
8 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
9 *in forma pauperis* application).

10 On her application, Plaintiff claims that her only income is public assistance and that her
11 only debts are her educational loans totaling \$38,000. However, otherwise she claims to make no
12 money from employment, have no money in a checking account, have no bills, have no property
13 of any kind, and have no dependents. On the docket, Plaintiff includes an address. The Court
14 takes judicial notice of the fact that public records reveal the address is a house. Plaintiff does not
15 provide any details in the application regarding how she pays rent, how she pays utilities or other
16 bills, or how she lives considering her claim to have no money and no bills. The Court finds that
17 Plaintiff has omitted information from the application. As a result, the Court cannot determine
18 whether Plaintiff qualifies for *in forma pauperis* status.

19 The Court will give Plaintiff one opportunity to file a complete *in forma pauperis*
20 application. The Court further orders that Plaintiff may not respond with a zero or "not
21 applicable" in response to any question without providing an explanation for each of the
22 questions. Plaintiff also may not leave any questions blank. Plaintiff must describe each source
23 of money that she receives, state the amount she received, and what she expects to receive in the
24 future.

25 The Court denies Plaintiff's *in forma pauperis* application without prejudice. The Court
26 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
27 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full.
28 Since the Court denies Plaintiff's application, it does not screen the complaint at this time.

1 **II. Plaintiff's motion for leave to file electronically.**

2 Under Local Rule IC 2-1(b), a *pro se* litigant may request the Court's authorization to
3 register as a filer in a specific case. Plaintiff appears to have access to a word processing
4 program. Because the Court finds that Plaintiff is capable of filing electronically, it grants the
5 motion.

6
7 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
8 *pauperis* (ECF No. 1) is **denied without prejudice**.

9 **IT IS FURTHER ORDERED** that Plaintiff has until **July 23, 2024** to file an updated
10 application to proceed *in forma pauperis* as specified in this order or pay the filing fee. Failure to
11 timely comply with this order may result in a recommendation to the district judge that this case
12 be dismissed.

13 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
14 a copy of this order and of the Short Form application to proceed *in forma pauperis* and its
15 instructions.¹

16 **IT IS FURTHER ORDERED** Plaintiff's motion to file electronically (ECF No. 4) is
17 **granted**.

18 **IT IS FURTHER ORDERED** that Plaintiff must comply with the following procedures
19 to activate a CM/ECF account:

- 20 1. Plaintiff must become familiar with the Electronic Filing procedures and events
21 menus, obtain a PACER account, and finally, obtain an CM/ECF login and
22 password from the District of Nevada by submitting a completed registration form.
23 Links to these items are available at [https://www.nvd.uscourts.gov/e-filing-](https://www.nvd.uscourts.gov/e-filing-permission/)
24 [permission/](https://www.nvd.uscourts.gov/e-filing-permission/).

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¹ This form and its instructions can also be found at [https://www.nvd.uscourts.gov/court-](https://www.nvd.uscourts.gov/court-information/forms/)
28 [information/forms/](https://www.nvd.uscourts.gov/court-information/forms/) under Code AO 240.

1 2. Plaintiff must read and comply with the guidelines available at

2 <https://www.nvd.uscourts.gov/e-filing-permission/>

3
4 DATED: June 24, 2024

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

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6 DANIEL J. ALBREGTS
7 UNITED STATES MAGISTRATE JUDGE
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